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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,281	08/07/2001	Geoffrey B. Rhoads	P0414	5601
23735	7590	03/30/2005	EXAMINER	
DIGIMARC CORPORATION			SAM, PHIRIN	
9405 SW GEMINI DRIVE			ART UNIT	
BEAVERTON, OR 97008			PAPER NUMBER	
			2661	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,281

Applicant(s)

RHOADS, GEOFFREY B.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/07/01.


PHIRIN SAM
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,822,360 hereinafter referred as “Lee”.

Lee discloses the invention (**claim 1**) as claimed including, in a cellular, telephone including a microphone, a modulator, an antenna, and an RF amplifier (see Figs. 1, 4, and 5, col. 9, lines 19-24, wherein the voice obviously input into the microphone and A/D converter output as AUDIO (digitalized voice) and this AUDIO input to modulator), the device serving to receive audio and transmit an RF signal conveying audio modulation (see Figs. 1, 3, and 5, elements AUDIO IN and 22, col. 8, lines 4-9), an improvement comprising a steganographic encoder for hiding plural bits of auxiliary data within the audio modulation of the RF signal (see Figs. 1, 3, and 5, element 14, col. 7, lines 65-67, col. 8, lines 1-9, col. 8, lines 56-67, and col. 9, lines 1-18).

Regarding claim 2, Lee discloses plural bits comprise data used to discourage piracy of cellular telephony service (see Fig. 1, col. 6, line 67, and col. 7, lines 1-10). Wherein column 7, lines 1-10 illustrates that the auxiliary information (bits) can any desired data, which may or may not have a relationship with the audio data. This can also include data used to discourage piracy of cellular phone service.

Regarding claim 3, Lee discloses plural bits comprise data identifying the cellular telephone (see Fig. 1, col. 6, line 67, and col. 7, lines 1-10). Wherein column 7, lines 1-10 illustrates that the auxiliary information (bits) can any desired data, which may or may not have a relationship with the audio data. This can also include data identifying the cellular phone.

Regarding claim 4, Lee discloses a method of operating a cellular telephone (see Fig. 1), said telephone including a microphone coupled to a transmitter, and a receiver coupled to a transducer (see Figs. 1 and 3-5, col. 9, lines 19-25) the telephone serving to transmit a wireless signal modulated with a voice signal using an antenna (see Fig. 1), the method characterized by altering the voice signal to steganographically embed a multi-symbol auxiliary data string therein (see Figs. 1, 3, and 5, col. 2, lines 46-51, col. 3, lines 35-36, col. 8, lines 4-9, 56-65), wherein transmission of the wireless voice signal also conveys the auxiliary data string hidden therein (see Figs. 1, 3, and 5, col. 8, lines 4-13, 56-65).

Regarding claim 5, Lee discloses in a battery powered wireless reception device sized for fitting in a user's pocket or purse (Fig. 1, it is obvious that cellular phone can currently fit into pocket or purse and the battery powered wireless), the device including an RF amplifier, an antenna, a demodulator, and a speaker (see Figs. 1, 9, and 12, elements 20 and 26, col. 9, lines 19-25), the device serving to receive RF transmissions and output an audio signal conveyed thereby, an improvement comprising a steganographic decoder for discerning multi-symbol auxiliary data conveyed as slight alterations to said audio signal (see Figs. 9 and 12, col. 13, lines 32-37, col. 15, lines 30-35, and 45-57).

Regarding claim 6, Lee discloses a processor to which data output by the steganographic decoder is provided (see Fig. 12, col. 15, lines 30, 37-44).

Regarding claim 7, Lee discloses in a method of operating a battery powered wireless reception device sized for fitting in a user's pocket or purse (Fig. 1, it is obvious that cellular phone can currently fit into pocket or purse and the battery powered wireless), the device including an RF amplifier, a demodulator, an antenna, and a speaker (see Figs. 1, 9, and 12, elements 20 and 26, col. 9, lines 19-25), the device serving to receive RF transmissions and output an audio signal conveyed thereby, an improvement comprising steganovaphically decoding multi-symbol auxiliary data from said audio signal, and controlling some aspect of the device in accordance therewith (see Figs. 9 and 12, col. 13, lines 32-37, col. 15, lines 30-35, and 45-57).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Lee et al. (U.S. Patent 5,687,191) discloses post-compression hidden data transport.

(2) Lozach (U.S. Patent 5,583,963) discloses system for predictive coding/decoding of a digital speech signal by embedded code adaptive transform.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: March 24, 2005

A handwritten signature in black ink, appearing to read "Phirin", written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**